

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**PORT HAMILTON REFINING &
TRANSPORTATION, LLLP,**

PLAINTIFF,

VS.

**NATIONAL INDUSTRIAL SERVICES,
LLC**

DEFENDANT.

CASE No. 1:24-CV-00023

**ACTION FOR TEMPORARY RESTRAINING
ORDER, PRELIMINARY INJUNCTION, AND
PERMANENT INJUNCTION**

MOTION TO REMAND

Port Hamilton Refining and Transportation, LLLP (“Port Hamilton”) moves to remand this matter to the Superior Court of the Virgin Islands for the following reasons, as more fully explained in the accompanying memorandum in support of motion:

1. National Industrial Services, LLC waived the right to remove through its conduct in the Superior Court, specifically waiting until it received an adverse ruling from that court before removing the case;
2. The Court lacks post-confirmation jurisdiction over the dispute;
2. The Court is required to abstain from the case;
3. Even if abstention is not mandatory, as a matter of sound exercise of the Court’s discretion, it should abstain from the matter.

Undersigned counsel certifies pursuant to LRCi 7.1(f) that before filing this motion, he sought the concurrence of Defendant to the relief requested in the motion but was unable to obtain such concurrence.

Respectfully submitted,

ANDREW C. SIMPSON, P.C.,
Counsel for Port Hamilton Refining &
Transportation, LLLP

Dated: September 27, 2024

/s/ Andrew C. Simpson
By: Andrew C. Simpson, Esq.
VI Bar No. 451
ANDREW C. SIMPSON, P.C.
2191 Church Street, Suite 5
Christiansted, VI 00820
Tel: 340.719.3900
asimpson@coralbrief.com